

Based Upon: PCT/IB99/01651

It is the assertion of the Detailed Action that while Banks fails to disclose the claimed arrangement of exhaust gas treatment of the present invention, ~~Fiorenzano supplies the missing motivation to produce the present invention by~~ disclosing the use of nitrogen and carbon dioxide gases to treat goods located in ships. The Detailed Action further states that, because boilers are integral parts of motive power for a ship, a person having ordinary skill in the art would be motivated to combine the Banks and Fiorenzano references to produce the presently claimed invention.

Applicant respectfully requests reconsideration of the outstanding rejections because the disclosure of Fiorenzano has been mischaracterized by the Detailed Action. Thus the Detailed Action has failed to establish a *prima facie* case of obviousness.

Fiorenzano, contrary to the assertions of the Detailed Action, actually teaches away from the use of nitrogen and carbon dioxide gases, stating at col. 1, line 43, that the use of nitrogen and carbon dioxide gases is a part of the prior art which Fiorenzano does not use. Instead, Fiorenzano seeks to replace and improve upon the use of nitrogen and carbon dioxide gases by teaching a system in which all particles within the air of a storage system are oxidized through the use of heat (col. 3, line 39) or UV light (col. 3, line 48).

Thus, the proffered motivation for a combination of the references fails to establish that the motivation for combining Banks and Fiorenzano comes from the art itself, as required. ~~Instead, such a motivation appears to be a *post hoc*~~ rationalization made with the present invention firmly in mind.

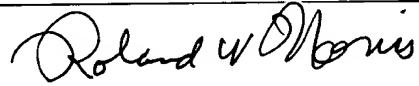
Further contrary to the assertions of the Detailed Action, Fiorenzano does not teach that its electrical heating coils or UV lamps, used to oxidize particles within the storage air, are in any way related to a source of motive power for a containment vessel or boiler operations for an oil extraction operation. Thus, no teaching exists within the references themselves, singly or in combination, that would lead a person of ordinary skill in the art to produce the present invention. Again, any suggestion for such a combination is clearly a *post hoc* rationalization made with the present invention firmly in mind.

For all the foregoing reasons, Applicant respectfully requests that the outstanding rejection of all Claims be withdrawn. Applicant sincerely believes that this Patent Application is now placed in condition for allowance. In the interest of fairness, Applicant now earnestly solicits a timely Notice of Allowance from the Office.

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Favorable consideration is requested.

Respectfully submitted,



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